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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,753	01/09/2006	Reinhard Maier	32860-000981/US	3769
30596 7590 09/22/2009 HARNES, DICKEY & PIERCE, P.L.C. P.O.BOX 8910 RESTON, VA 20195				
EXAMINER BARRERA, RAMON M				
ART UNIT 2832		PAPER NUMBER		
MAIL DATE 09/22/2009		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/563,753

**Applicant(s)**

MAIER ET AL.

**Examiner**

RAMON M. BARRERA

**Art Unit**

2832

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 and 16-21 is/are pending in the application.  
4a) Of the above claim(s) 9 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 8 and 18 is/are rejected.
- 7) ☒ Claim(s) 6, 10-13, 16, 17, 19 and 21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 1/30/06, 1/9/06
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of groups IA, IIA, IIIA, and IVA in the reply filed on 10/10/08 is acknowledged. The traversal is on the ground(s) that there is unity of invention because the inventions involve the same or corresponding technical features. This is not found persuasive because the expression special technical features is defined as meaning those technical features that define the contribution which each claimed invention, considered as a whole, makes over the prior art, i.e., unity of invention pertains to allowable claims.

The requirement is still deemed proper and is therefore made FINAL.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 7, 8, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yanagawa(JP4-248219).

Yanagawa disclosed an electromagnetic switching device comprising a housing (4,61), a drive solenoid 12, a yoke 2, armatures (112,113) and contacts (at armature ends), the drive solenoid, the yoke, the armature and the at least one contact being mounted in the housing, the drive solenoid, the yoke and the armature being inductively intercoupled,

so that, when an inrush current is applied to the drive solenoid, the armatures are displaceable into a pickup position, the displacement of the armatures into the pickup position allowing the contact to be directly or indirectly actuated, wherein the drive solenoid and the yoke are cast with each other by way of a permanently elastic casting compound 71 to form a block; wherein the yoke and the housing are cast with each other by use of a unitary casting compound; wherein the housing comprises an upper housing part (cover of 4; not shown) and a lower housing part 4, detachably connected to each other, wherein the lower housing part includes, at least partly, a hard casting material 6 and wherein the drive solenoid and the yoke are connected to the casting material by way of the permanently elastic casting material 71; wherein fastening elements (112',113') for connecting the lower housing part to a fastening surface are arranged in the lower housing part. Yanagawa was silent concerning yoke 2 being a sintered pulverulent material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a yoke of pulverulent sintered material, since it was well known in the art that permanent magnets may be comprised of sintered pulverulent material.

***Allowable Subject Matter***

4. Claims 6, 10-13, 16,17,19, and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fruchart, et al., disclosed sintered pulverulent permanent magnetic materials. Grobe disclosed a magnetic switch with reed contact armatures.

Kojima, et al., disclosed a relay solenoid and yoke enclosed in an elastic casting compound.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAMON M. BARRERA whose telephone number is (571)272-1987. The examiner can normally be reached on Monday through Friday from 11 to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin G. Enad can be reached on (571) 272-1990. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ramon M Barrera/  
Primary Examiner, Art Unit 2832

rmb